



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	<u>13 VAC 5-63</u>
<b>Regulation title</b>	Virginia Uniform Statewide Building Code
<b>Action title</b>	Amend and Update Virginia Uniform Statewide Building Code
<b>Document preparation date</b>	August 12, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Virginia Uniform Statewide Building Code (USBC) is a regulation governing the construction, maintenance and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newest editions of the model codes into the regulation through the publishing of a proposed regulation. Those affected by the regulation then review the proposed regulation to assure that the newest model codes and standards reflect the minimum requirements necessary for buildings and structures. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model codes or standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

The changes to the USBC in this regulatory action are summarized as follows:

13 VAC 5-63-10: Updates the edition of all of the model codes referenced in the USBC.

13 VAC 5-63-20 D (1): Adds “poles and towers supporting the related wiring” to the USBC exemption for equipment and related wiring installed by a provider of publicly regulated utility service.

13 VAC 5-63-20 D (5): Renumbers section on site work for industrialized buildings and manufactured homes from Section 421 to Section 424 to correlate with the numbering in the 2009 International Building Code (IBC).

13 VAC 5-63-20 D (7): Adds new USBC exemption for Federally owned buildings and structures, unless federal law requires a permit from the locality.

13 VAC 5-63-30 B: Replaces the May 1, 2008 effective date for the 2006 USBC with the effective date for the 2009 USBC to coincide with the effective date of the final regulations in this regulatory action.

13 VAC 5-63-30 C: Adds accessibility to the list of conditions that when under a change of occupancy the current USBC does not requires a greater degree of such condition, no change shall be made in the existing occupancy classification of any structure.

13 VAC 5-63-30 E (Exception 2): Adds clarifying language that handrail and guardrail configuration and height on a reconstructed deck are excluded from the requirement that reconstructed decks must meet the current code provisions for structural loading, connections and structural attachment.

13 VAC 5-63-30 G: Moves retrofitting requirements for fire sprinklers in certain existing buildings from Section 3411 to Section 3413 to correlate with the 2009 IBC.

13 VAC 5-63-30 O: Adds requirement that state enforcement personnel have to comply with the requirements in Section 105 for certification, periodic maintenance training and continuing education.

13 VAC 5-63-50 E and I: Clarifies the requirement for 16 hours of continuing education every two years for building officials, which was added in a prior regulatory action for this regulation.

13 VAC 5-63-60 Adds clarifying language that the limitations of authority by the local government on the building official are not applicable to the third-party inspector policy in Section 113.7.1 nor do such limitations have the effect of altering the provisions of the code or creating building regulations.

13 VAC 5-63-70: Removes the effective date of the increase in the fee levy on local building permits for training of code enforcement personnel implemented in a prior regulatory action as the date has passed.

13 VAC 5-63-150 F: Adds statutory language addressing USBC violations and transfer of ownership.

13 VAC 5-63-190 B: Requires that the local board of building code appeals must meet at least once annually, appoint officers and receive training on the code as appropriate or necessary.

13 VAC 5-63-190 G: Updates the physical address of the Office of the State Review Board.

13 VAC 5-63-200 A: Moves definition of “LBBCA” (Local board of building code appeals) to Chapter 2 Definitions.

13 VAC 5-63-200 B: Changes reference to section on fire walls from Section 705 to Section 706 to correlate with the 2009 International Building Code (IBC). Also removes the definition of “canopy” from the regulation as that definition is now contained in the 2009 IBC.

13 VAC 5-63-200 C: Changes the term “Existing building” to “Existing structure” to match the language in the 2009 IBC.

13 VAC 5-63-210 A: Changes the subsection number from 15 to 13 for the exception regarding the storage of black powder in order to correlate with the 2009 IBC, as two exceptions listed in the 2006 IBC were deleted.

13 VAC 5-210 C: Add language matching the 2009 IBC which clarifies that child day care rooms must be on a level of exit discharge serving such rooms.

13 VAC 5-210 D: Adds language matching the 2009 IBC which permits congregate living facilities with 10 or fewer occupants to comply with the construction requirements for Group R-3. Revises language on the provision which requires Group R-4 occupancies to meet the construction requirements for Group R-3 or the IRC provided the building is protected by an automatic sprinkler system.

13 VAC 5-210 I (1): Deletes definition of “Air impermeable insulation,” “Subsoil drain,” and “Story above grade” from the regulation as those definitions are now contained in the 2009 International Residential Code (“IRC”).

13 VAC 5-210 I (2): Changes the regulation to match the 2009 IRC provision while keeping the change to the IRC provision for the threshold wind speed (110 mph) triggering the application of the provision instead of 100 mph.

13 VAC 5-210 I (IRC Table R301.7): Deletes table on allowable deflection of structural members in the regulation as the 2009 IRC now contains an identical table.

13 VAC 5-210 I (IRC R302.1): Deletes section and exceptions on exterior wall of dwellings and accessory buildings in the regulation as the 2009 IRC now contains identical provisions.

13 VAC 5-210 I (3): Adds a requirement that a townhouse be separated from adjacent townhouses by a common 2-hour wall assembly. The requirement was changed in the 2009 IRC to permit a 1-hour wall in conjunction with a requirement that a sprinkler system be installed in the townhouse; however, the USBC will not be using the sprinkler system requirement, therefore the existing 2-hour wall requirement must be retained.

13 VAC 5-210 I (4): Moves the provision for dwelling unit separation for duplexes on a lot line from current subdivision 16 of this subsection to match the location of the duplex provisions in the 2009 IRC.

13 VAC 5-210 I (12): Changes the regulation to match the 2009 IRC provision while keeping the change to the IRC provision for the tread width and riser height of stairways.

13 VAC 5-210 I (14): Adds a requirement for standards for optional sprinkler systems.

13 VAC 5-210 I (IRC R401.4): Deletes language in the regulation for soil tests as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (IRC R404.1): Deletes language in the regulation for concrete and masonry foundation walls as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (IRC R408.1 and R408.2): Deletes language in the regulation for crawl space ventilation and under floor ventilation as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (IRC R502.2.2.1, Table R502.2.2.1 and R502.2.2.1.1): Deletes language in the regulation for deck ledger connections and fastener spacing as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (28): Retains a prior change to the IRC for protection from falls from inadequate window sill height and editorially correlates the language with the 2009 IRC.

13 VAC 5-210 I (IRC R806.3): Deletes language in the regulation for the use of foam insulation in attics as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (29): Retains a prior change to the IRC for dryer duct length and editorially correlates the language with the 2009 IRC.

13 VAC 5-210 I (IRC M1701.1): Deletes language in the regulation for solid fuel burning appliances as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (IRC G2411.1): Deletes language on gas pipe bonding as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (IRC G2415.17): Deletes language on metallic piping isolation as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (31): Relocates the requirements for chimneys for fuel-burning appliances from subdivision 50 of this subsection to match the numbering in the 2009 IRC.

13 VAC 5-210 I (47): Deletes language for sumps and ejectors as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (48) and (49): Deletes language for storm drainage as consistent language is now in the 2009 IRC.

13 VAC 5-210 I (50): Relocates the requirements for chimneys for fuel-burning appliances to subdivision 31 of this subsection to match the numbering in the 2009 IRC.

13 VAC 5-210 I (52): Deletes language for referenced standards as consistent language is now in the 2009 IRC.

13 VAC 5-220 C through H: Deletes language addressing the classification and construction of correctional facilities as consistent language is now in the 2009 IBC.

13 VAC 5-220 H (new H): Adds new requirements to the 2009 IBC for exiting from stages. The new requirements recognize exiting provisions permitted by the IBC for other similar areas as the basis for the new requirements.

13 VAC 5-220 G: Renumbers Section 421.2 (site work for manufactured homes) to Section 424.4 to correlate with section numbering in the 2009 IBC and adds clarifying language that the installation and set up of a manufactured home is covered by the USBC rather than the Virginia Manufactured Home Safety Regulations (13 VAC 5-95), including footings, foundation systems, anchoring of the homes, exterior, interior close-up and additions and alterations.

13 VAC 5-220 J: Renumbers Section 421.5 (site work for industrialized buildings) to Section 424.5 to correlate with section numbering in the 2009 IBC and adds clarifying language that the set up of an industrialized building is covered by the USBC rather than the Virginia Industrialized Building Safety Regulations (13 VAC 5-91), including the use of the manufacturer's installation instructions, and if not covered by the manufacturer's instructions, the IBC, including the use of the IRC where the building would be classified as a Group R-5 building.

13 VAC 5-63-230 C and D: Deletes requirements in the regulation for horizontal sliding doors and security glazing in correctional facilities as consistent language is now in the 2009 IBC.

13 VAC 5-63-240 F: Adds elevator machine rooms and elevator machine spaces to the list of exempt locations for automatic sprinklers.

13 VAC 5-63-240 I: Changes an existing requirement for the residual pressure in standpipe fire-fighting systems to be less when a sprinkler system is installed to include sprinkler systems for small residential buildings.

13 VAC 5-63-240 J: Rewords the requirements for fire extinguishers to be consistent with the 2009 IBC.

13 VAC 5-63-240 K: Replaces NFPA 72 standard with reference to Section 907.5.2.2 to match the language in the 2009 IBC and deletes prior language in the regulation for alarm systems in small apartment buildings to correlate with language in the 2009 IBC.

13 VAC 5-63-240 L: Rewords existing regulation to correlate with wording in 2009 IBC.

13 VAC 5-63-245 B and C: Deletes requirements in the regulation for areas of refuge as consistent language is now in the 2009 IBC.

13 VAC 5-63-245 D: Deletes a requirement in the 2009 IBC for special locking arrangements in institutional uses as a comparable requirement is already in the regulation in § 13 VAC 5-63-220 A.

13 VAC 5-63-245 F: Deletes a requirement in the 2009 IBC to correlate with a change made to the IBC in subsection C of this section.

13 VAC 5-63-245 G (existing G): Deletes requirements in the regulation for special locking arrangements in correctional facilities as a comparable requirement is in the 2009 IBC.

13 VAC 5-63-245 K, L, M and N: Deletes requirements in the regulation for stairways in correctional facilities as consistent language is now in the 2009 IBC.

13 VAC 5-63-245 O: Changes requirements of the 2009 IBC for the number of occupants permitted in stories only required to have one exit to correlate with a change in subsection K of this section made in a prior regulatory action. Both changes are to change the number "49" to the number "50."

13 VAC 5-63-250 B: Add language to the IBC to exempt raised areas used for religious purposes from the necessity of having to provide wheelchair access.

13 VAC 5-63-267: Renumbers section on window sills to correlate with the 2009 IBC. Revises language to match the 2009 IBC but retains all of the dimensional requirements of the current regulation.

13 VAC 5-63-310 D (1) through (6): Deletes definitions and requirements in the regulation relating to mechanical installations as consistent definitions and requirements were added to the 2009 International Mechanical Code.

13 VAC 5-63-310 E (2): Deletes requirements in the regulation for gas pipe bonding as consistent language is now in the 2009 International Fuel Gas Code (IFGC).

13 VAC 5-63-310 E (4): Deletes requirements in the regulation for metallic piping isolation as consistent language is now in the 2009 IFGC.

13 VAC 5-63-320 B (1): Deletes requirements in the regulation for the number of toilets required in correction facilities as consistent requirements are now in the 2009 International Plumbing Code (IPC).

13 VAC 5-63-320 B (3): Changes a requirement in the existing regulation for the installation of tracer wire to facilitate the future locating of sewer pipe in commercial facilities to match the language in subdivision I 34 of 13 VAC 5-63-210 for tracer wire in residential applications.

13 VAC 5-63-330 B: Changes the language in the 2009 IBC outlining the requirements for the construction of elevator rooms to include rooms housing elevator controllers in the exceptions to permit the reduction in fire rating for the walls of such rooms.

13 VAC 5-63-350 I: Adds a requirement to the 2009 IBC for accessibility for persons with disabilities to be consistent with the Americans with Disabilities Act.

13 VAC 5-63-360: Deletes referenced standards from the regulations as the same standards are now referenced by the 2009 IBC.

13 VAC 5-63-400: Changes references from the 2006 to the 2009 International Existing Building Code (IEBC).

13 VAC 5-63-434: Deletes requirements in the regulation for alterations of a minor nature as identical requirements are now in the 2009 IEBC.

13 VAC 5-63-436: Repeals the section where requirements were contained for rubbish and linen chutes as identical requirements are now in the 2009 IEBC.

13 VAC 5-63-437: Repeals the section where requirements were contained for the alteration of existing corridor walls as identical requirements are now in the 2009 IEBC.

13 VAC 5-63-440 C: Adds a requirement to the 2009 IEBC for accessibility for persons with disabilities to be consistent with the Americans with Disabilities Act.

13 VAC 5-63-450 B: Changes references from the 2006 to the 2009 International Property Maintenance Code (IPMC).

13 VAC 5-63-480 A: Adds statutory language to the regulation concerning obtaining an inspection warrant for unsafe dwellings.

13 VAC 5-63-480 E: Add a requirement for state enforcement personnel to comply with certification, periodic training, and continuing education requirements.

13 VAC 5-63-480 J : Clarifies the requirement for 16 hours of continuing education every two years for enforcement personnel, which was added in a prior regulatory action for this regulation.

13 VAC 5-63-500 B: Adds a requirement for the local government appeals boards to meet at least once annually to assure a duly appointed board, appoint officers as necessary and receive necessary training.

13 VAC 5-63-530 D: Adds a requirement to the International Property Maintenance Code (IPMC) for the service and maintenance of grease interceptor, grease traps and automatic grease removal devices.

13 VAC 5-63-540 G: Changes the criteria in the IPMC for inspecting water damaged electrical equipment to permit a certified electrician to evaluate the safety of the equipment.

13 VAC 5-63-540 H: Rewords a provision in the IPMC to combine language with an existing provision in the regulation.

**Family impact**

The proposed regulations do not have an impact on the institution of family and family stability.